

**Water Quality Standards Advisory Committee
Meeting Minutes**

May 15, 2002

Members Present:

William Beckwith	US Environmental Protection Agency
Wendall Berry	NH Lakes Association
Steve Clifton	Consulting Engineers of NH
John Hodsdon	NH Farm Bureau
Ken Kimball	Appalachian Mountain Club (via speaker phone)
Vernon Lang	US Fish and Wildlife Service
Francesca Latawiec	NH Office of State Planning
Carl Paulsen	NH Rivers Council
Peter Rice	NH Municipal Association
Marjory Swope	NH Association of Conservation Commission
Robert Fawcett	NH Fish & Game Department

Members Absent:

Michael Donahue	Business and Industry Association of NH
John Dreisig	NH Public Health – Risk Assessment
Tim Fortier	NH Travel Council
Nancy Girard	Conservation Law Foundation
Donna Hanscom	NH Water Pollution Control Association
Bill McDowell	University of New Hampshire
David Miller	NH Water Works Association
Eileen Miller	NH Association of Conservation Districts

Others Present:

William Daly	Salem Water Works
Jim Fitch	Woodard & Curran
Fred Gay	EPA Permits
Mike Giaimo	BIA member (representing BIA for Mr. Donahue)
William Heinz	Granite State Hydropower Association
Victor Krea	Wright-Pierce
Muriel Lajoie	Monadnock Paper Mills, Inc.
Allan Palmer	Public Service Company of NH
Ronald Rayner	environmental consultant/BIA member
Jasen Stock	NH Timberland Owners Association
Carl Bolster	UNH, Dept. of Natural Resources

Staff Present:

Paul Currier	Admr., Watershed Management Bureau
Greg Comstock	Watershed Management Bureau
Bob Estabrook	Watershed Management Bureau
George Berlandi	Wastewater Engineering Bureau
Beryl Towle	Administrative Assistant, Water Division

Introductions/May 16, 2001 Minutes

Marjory Swope, Chairperson, called the meeting to order, began with introductions, and then requested the committee's approval of the 5/16/01 minutes:

Steve Clifton moved to accept the minutes of May 16, 2001. John Hodsdon seconded the motion and the vote was unanimous.

Brief Summary of Past Actions

Bob Estabrook said that at past meetings four workgroups were set up: (1) dissolved oxygen, (2) temperature, (3) water transfer issues and (4) flow-based permits. The full committee has not met since last year because DES water quality staff needed to devote their time to a number of EPA initiatives (discussed by Paul Currier below). The intent was to not meet until late fall, 2002. However, this spring an emergency occurred in Salem where the Department was asked to provide emergency rules to allow the transfer of water from Arlington Pond to Canobie Lake. Because of that emergency, it was decided to hold this meeting to present proposed rules to allow for emergency transfers. The other issues are not dead and will be discussed at future meetings.

Update on DES Activities Related to WQ Standards

Paul Currier, Administrator of the Watershed Management Bureau, distributed an outline of items he would discuss and answered the committee's questions about the following:

- Nutrient criteria plan – EPA published recommended numeric nutrient criteria on January 9, 2001 and states have until the end of 2004 to adopt numeric nutrient standards. The EPA approach was to set limits based on a somewhat arbitrarily selected percentile of existing data and the limits are not directly related to use impairment. DES is currently working on developing a proposed plan that will relate the limits to use impairment. Committee members will be notified when the plan is finished and it will be on the web.

- Water quality assessment methodology – The Clean Water Act section 305(b) requires states to submit a water quality report to Congress every 2 years, and section 303(d) requires states to submit a list of impaired waters. The submission deadline for both is October 1, 2002. DES is currently working on a GIS-based catalog of all NH waterbodies and is developing a ‘Coordinated Assessment and Listing Methodology’ (CALM) procedure so that the listing process is defensible from a statistical standpoint. The 303(d) list will be placed on the web for public comment in August. The DES assessment methodology will be available on the web at the same time.
- Emergency rules for emergency water transfer -- As a result of the drought, the town of Salem requested a transfer of water from Arlington Pond to Canobie Lake. DES’s rules currently prohibit the transfer of waters containing phosphorus into a lake or pond and emergency rules were adopted to allow the Salem transfer. EPA requires an NPDES permit for water transfers. They issued an ‘emergency exclusion’ to allow the Salem transfer but now feel that was an inappropriate use of the exclusion rule and will not issue any more. The committee was sent a proposed permanent rule change to allow for emergency transfer but DES now withdraws the proposal and is evaluating alternative approaches. Ideas being considered include deleting the “no phosphorus to lakes and ponds” rule and substituting it with a documented anti-degradation review.
- Designated beach definition – DES proposes to issue this definition as a policy statement and an operating definition rather than as a rule change for the time being. The law currently sets bacteria standards for designated beaches but doesn’t define them. Because DES is working on a GIS-based catalog of all NH waterbodies, the designated beach definition is necessary.
- Instream Flow Pilot Program – The Lamprey and Souhegan Rivers are the two designated rivers included in a pilot program to test the instream flow rules. The pilot program, which was established by House Bill 1449, will be completed by April 2005.
- Sediment Policy/Connecticut River Sediment Study – Paul distributed the sediment policy. The policy is for the application of surface water quality standards to freshwater, estuarine, and marine sediments. The study of the Connecticut River generated a need for a policy to make decisions about water quality impairments due to contaminated sediments.
- TMDLs – The TMDL program is focused primarily on modeling for dissolved oxygen issues involving point sources so that DES can provide the information to the NPDES program to set appropriate limits for permits being issued. The

bureau is currently working on the Cocheco, Ashuelot and Contoocook Rivers, and doing a screening study on the Souhegan River. DES is also doing a bacteria TMDL for Hampton Harbor as it relates to the protection of shellfish. The 303(d) list of October 2002 will determine the need for other TMDLs.

Proposed Rule Changes

Mr. Currier spoke about these changes in the prior agenda item.

Discussion

The agenda provided time to discuss the flow-based permit issue. However, Mr. Andrew Serell was unable to attend the meeting and no discussion took place.

Other Business

There was no other business.

Future Meeting Dates and Times

Mr. Currier said that future meetings will be left indefinite and communication will occur via E-mail and regular mail (for those without E-mail), and well as posting things on the website.

The meeting adjourned at 10:55 a.m.